

1:16-mc-33
Collier/Lee

WRIT OF ERROR
CORAM VOBIS

For The Record, To Be Read Into The Record
Notice To The Agent Is Notice To The Principal – Notice To The Principal Is Notice To The Agent

FILED
MAY 17 2016
U.S. District Court
Eastern District of Tennessee

To:
United States District Court
For The District Of Tennessee
Office Of The Clerk
900 Georgia Avenue
Chattanooga Territory, Tennessee Republic
[37406] United States Of America Republic, North America

Petitioner:
Kenneth Bey
Authorized Representative
Natural Person, In Proper Persona:
Ex Relation: Kenneth Lamont Galloway
All Rights Reserved:
Not a Corporate Person or Entity, Misrepresented by Fraudulent Construct of ALL CAPITAL LETTERS
[c/o 4128 E.Ridge Drive Apt A
East Ridge, Tennessee [37412]
Northwest Amexem
Non – Domestic

Respondents(s):
*Public Servant Corporate STATE OF TENNESSEE

*Public Servant Marsha G. Smith [MARSHA G. SMITH], Magistrate
1221 East Main Street
Corporate CHATTANOOGA, TENNESSEE 37408

*Corporate MAXIMUS CHILD SUPPORT SERVICES
5751 Uptain Road
Suit 206
Corporate CHATTANOOGA, TENNESSEE 37411

In support of this petition I submit the following:

- 1.On 12/30/14 MAXIMUS CHILD SUPPORT SERVICES mailed out to petitioner NOTICE OF NON-CUSTODIAN RIGHTS AND RESPONSIBILITIES (See Exhibit A)
- 2.On 01/16/15 MAXIMUS CHILD SUPPORT SERVICES mailed out to petitioner NON- CUSTODIAN PARENT DELINQUENCY NOTICE (See Exhibit B)
- 3.On 2/12/15 MAXIMUS CHILD SUPPORT SERVICES mailed out to petitioner NOTICE OF INCOME ASSIGNMENT (See Exhibit C)
- 4.On 04/08/15 MAXIMUS CHILD SUPPORT SERVICES mailed out to petitioner NOTICE OF ADMINISTRATIVE OFFSET AND FEDERAL TAX REFUND OFFSET PASSPORT DENIAL AND COSUMER CREDIT REPORT (See Exhibit D)

42 U.S. § 1983 acting under color of law seeking to deprive Petitioner of his rights, privileges , or immunities secured by the U.S. Republic Constitution or laws of the United States of America Republic in violation of federal statues Parratt v. Taylor, 451 U.S. 527, 535 (1981)

Pursuant to Article III, Section II of the United States Republic Constitution Judicial Authority is only vested in the Supreme Court or a lower court which has a" Certified Delegation of Authority Order" For the record, on the record, and let the record show Petitioner request the following forward a copy of the MAXIMUS CHILD SUPPORT SERVICES certified Delegation of Authority Order confirmed by Congress as a lawful and formal Discovery establishing jurisdiction.

Argument in support of this action
FACTS

Every U.S. Court of Appeals that has addressed this issue, held that child support is a common, commercial (and civil) debt, See, U.S. v. Lewko, 269 F.3d 64,68-69 (1st Cir. 2001) and U.S. v. Parker, 108 F.3d 28,31 (3rd Cir. 1997).

Scheuer v. Rhodes, 416 u.s. 232,94 S.CT. 1683, 1687 (1974)

"When a judge acts as a trespasser of the law, when a judge does not follow the law,, the judge loses subject- matter jurisdiction and the judges orders are void, of no legal force or effect.

The Supreme Court, in Scheuer v. Rhodes, 416 U.S. 232, 94 S. CT. 1683, 1687 (1974) stated that when a state officer acts under state law in a manner violating federal constitution , he " comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States. " By law a judge is a state officer. The judge then acts not as a judge but as a private individual (in his person).

The U.S. Supreme Court, in **Cooper v. Aaron, 358 U.S. 1 (1958)** held that the states were bound by the Courts decision and had to enforce them even if the states disagreed with them. State government officials are bound to comply with the Supreme Court rulings and court orders based upon Supreme Court's interpretation of the Constitution. Moreover, since public officials are required to swear an oath to uphold the Constitution (as per Article VI), for these officials to ignore the Court's precedents is equal to a violation of that oath. Even though education is the responsibility of the state government, that responsibility must be carried out in a manner consistent with the requirements of the Constitution, particularly the Fourteenth Amendment.

The United States Constitution is the supreme law of the land per Supremacy Clause of Article VI. In **Marbury v. Madison**, the federal judiciary was declared the supreme authority with respect to the Constitution interpretation. **Marbury v. Madison** has been respected by this court and the nation as a permanent and indispensable component of the American constitutional system of government. The Supreme Court's interpretation of the Fourteenth Amendment in **Brown v. Board of Education** is therefore binding on the states and state officials. By refusing to conform to the Supreme Court's interpretation of the Constitution and precedent, state government officials violate their oath to support the Constitution. To rule otherwise would make the Constitution a solemn mockery.

Further I demand, as is my United States Constitution/ Treaty secured rights, a copy of the Oath of Office, Oath of Ethics, and Bond Number for all state / government officials, employees, Judges, prosecutors, agents, clerks, and anyone who has touch or is in anyway involved with this case per Article VI of the United States Republic Constitution.

“Ministerial officers are incompetent to receive grants of judicial power from the legislature, their acts in attempting to exercise such powers are necessarily nullities.” **Burns v. Sup Ct. SE, 140 Cal I.**

For the record, on the record, and let the record show from where does Marsha G. Smith [MARSHA G. SMITH], Magistrate or MAXIMUS CHILD SUPPORT SERVICES derived their authority and jurisdiction in this matter.

“Once Challenged, jurisdiction cannot be assumed, it must be proved to exist, **Stuck v. Examiners 94 Ca 2d 751. 211.P2d 389.**

“The law provides that once State and Federal Jurisdiction has been challenged, it must be proven.” **Main v. Thiboutot, 100 S. Ct. 2505 (1980)**

“ Jurisdiction can be challenged at any time,” and “ Jurisdiction, once challenged, cannot be assumed and must be decided. “**Basso v. Utah Power & Light Co. 495 F 2d 906,910.**

“ The burden shifts to the courts to prove jurisdiction. **Rosemond v. Lambert, 469 F2d 416.**

“ Criminal law magistrates have no power of their on and unable to enforce any ruling.” **V.T.C.A.,Government Code sec.54.651 et seq., Davis v. State, 956 S. W.2d 555 (1997) Basso v. UPL, 495 F.2d 906.**

Under federal Law, which is applicable to all states, the U.S. Supreme Court stated that “ if a court is without authority, its judgments and orders are regarded as nullities. They are not voidable but simply void, and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification and all persons concerned in executing such judgments or sentences are considered, in law, as trespassers. “

Supreme Court Justice Field, “There is no such thing as a power of inherent sovereignty in the government of the United States... In this country, sovereignty resides in the people, and Congress can exercise power, which they have not, by their Constitution, entrusted to it. All else is withheld. **Juliard v. Greeman, 110 U.S. 421 (1884).**

“ An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed.” **Norton v. Shelby County, 118 U.S. 425 p. 442.**

“...in our country the people or sovereign and the government cannot sever its relationship to them by taking away their citizenship.” **Perez v. Brownell, 356 U.S. 44,7; 8 S. Ct. 568, 2 L. Ed. 2D 603 (1958)**

Relief Sought

This action seeks this Honorable Court to:

- 1) **Enforce the following:** The Divine Constitution and By-Laws of the Moorish Science Temple of America; The Moorish Nation of North America; Act VI: Article VI of the United States Constitution Republic / The Treaty of Peace and Friendship of EIGHTEEN HUNDRED and THIRTY-SIX (1836) A.D.,Classifies Moorish Americans as Federal Citizens Possessing Freehold by Inheritance Status- Truth A-1. See Article 3, Section 2 of 'The Constitution for the United States'.

- 2) I, Kenneth – Lamont; Galloway- Bey, demand due process as protected by the Fourth (4th) and Fifth (5th) Amendments of the Constitution for the United States of America (Republic).
- 3) I, Kenneth- Lamont; Galloway- Bey, demand this U.S. District Court for the District of Tennessee Republic stop these abuses of the colorable authority by Marsha G. Smith [MARSHA G. SMITH] Magistrate and MAXIMUS CHILD SUPPORT SERVICES as it pertains to to the Petitioner, and dismiss(alleged) child support case for lack of jurisdiction along with any other relief deemed necessary in this (alleged) case.
- 4) ALL UNCONSTITUTIONAL Court orders, (Misrepresented) Bills of Exchange: Case ID 001976647 or Docket ID 50020 to be dismissed, Abated and expunged from the Record; being null on its face and merit.
- 5) I, Kenneth- Lamont; Galloway- Bey request that this U.S. District Court for the District of Tennessee Republic to fulfill their obligation to preserve the rights of this Petitioner(A Moorish American) and carry out their Judicial Duty in ' Good Faith' by ordering respondents to be brought before the Law to answer for their criminal and unjust actions.
- 6) Any Respondents, Corporate or Natural, Party-Claimants; Involvements be found guilty of the charges and shall result in immediate Refusal of Office.
- 7) Respondent Marsha G. Smith [MARSHA G. SMITH] Magistrate is being sued for \$250,000 for compensatory damages and \$250,000 for pain and suffering (Mental Distraught) in her private capacity.
- 8) Respondents MAXIMUS CHILD SUPPORT SERVICES is being sued for \$250,000 for compensatory damages and \$250,000 for pain and suffering (Mental Distraught) in its official capacity.
- 9) Respondent STATE OF TENNESSEE is being sued for \$250,000 for compensatory damages and \$250,000 for pain and suffering (Mental Distraught) in its official capacity.

I declare under penalty of perjury under the law of the **UNITED STATES CODES** that the above is true and correct to the best of my knowledge and honorable intent.

PETITIONER

Petitioner, a Moorish American National Aboriginal Indigenous Divine Being-manifested in human flesh do Declare by virtue of Divine Law: under the Zodiac Constitution; and the United States Republic Constitution and upon the honor of of our Fore-Mothers and our Fore-Fathers that the above Writ of Error-Coram Vobis is true and correct to the best of my knowledge and honorable intent.

Respectfully submitted this 17 day of May, 1432 M.C. =(C.C.Y. 2016)

Thank You

I am Kenneth Lamont Galloway-Bey
Kenneth-Lamont;Galloway-Bey

Authorized Representative

All Rights Reserved: U.C.C. 1-207 / 1-308 / 1-103

[c/o 4128 E.Ridge Drive Apt A

Eastridge, Tennessee [37412]

Non-Domestic

Notary Andrew Taylor

My Commission Expires October 10, 2016.

